

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Bernard White,)	Civil Action No. 8:05-2735-CMC-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Doctor Patel and Warden Eddie)	
Eagleton,)	
)	
Defendants.)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On May 12, 2006, the defendants filed a motion for summary judgment. On May 15, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff's last known address (Evans Correctional Institution, P.O. Box 29512-02) advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at Evans Correctional Institution.

The record reveals that the plaintiff was advised by order dated September 29, 2005, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/ Bruce H. Hendricks
United States Magistrate Judge

June 23, 2006

Greenville, South Carolina